

EXHIBIT 366

REDACTED

In the Matter Of:

In Re Google Antitrust Litigation



November 06, 2020



Highly Confidential

[REDACTED] - November 06, 2020

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IN RE:

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GOOGLE ANTITRUST LITIGATION

7

60-516110-0004

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** HIGHLY CONFIDENTIAL **

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REMOTE DEPOSITION OF

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16

Friday, November 6, 2020

17

11:00 a.m. (EST)

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19

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21

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Reported by:

23

Joan Ferrara, RMR, FCRR

24

Job No. 2020-92995

25

1 [REDACTED] - HIGHLY CONFIDENTIAL

2 used, and so we were trying to discourage
3 some of those uses because of concerns
4 about stability because of the impact of
5 publishers and their ability to make money.

6 Q. What concerns did you have?

7 A. So, for example, one of the big
8 issues is that line items were being used
9 for realtime pricing. And line items were
10 never viewed as -- line items were meant to
11 be a reservation and not, you know, 50 line
12 items per particular slots, which was
13 needed to be done for the way people were
14 working around realtime competition.

15 So that actually had put our
16 AdServer at risk many times and we were
17 thinking of ways to -- thinking about
18 potential ways to discourage that.

19 Q. You mentioned using line items
20 for realtime bidding. Are you referring
21 specifically to header bidding?

22 A. Yeah, header bidding uses line
23 items for realtime bidding, yes.

24 Q. And why would this be -- I'm
25 sorry?

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2 A. There may be other ways that
3 people were doing it, too, but header
4 bidding is one of the ways, so...

5 Q. And why was using line items for
6 realtime pricing a risk to Google's
7 AdServer?

8 A. The way the system was built is
9 that line items [REDACTED]
10 [REDACTED] There wasn't a concept of
11 using them for realtime pricing. [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED] but
15 with using line items for realtime pricing,
16 which is not what they were designed to be
17 used for, [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 And so there were often
22 discussions as publishers wanted to expand
23 their use of that about whether we could
24 actually keep the system running in a
25 stable way as those were expanded more and

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1 [REDACTED] - HIGHLY CONFIDENTIAL

2 more.

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED] and also had

14 negative consequences for the ecosystem,

15 advertisers, and publishers, and users.

16 Q. What do you mean by line items
17 aren't supposed to support realtime
18 bidding?

19 A. Yes. Line items were designed
20 for reservations and they were not -- [REDACTED]
21 [REDACTED], they don't do -- they
22 don't have any kind of way to collect
23 realtime pricing.

24 The way header bidding sort of
25 twisted their use was by having a line item

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2 because of header bidding.

3 Q. Any other reason they would use
4 it other than header bidding?

5 A. Yes. They could have really
6 segmented their audiences and their
7 inventory in a very fine grain way. So
8 that's a reason that a publisher could
9 exceed the limits as well. And so we
10 evaluated both of those requests.

11 Q. But you said that it was mainly
12 used for header bidding?

13 A. Because the system was designed
14 to be able -- the line item system was
15 designed for reservations, it was designed
16 with limits in mind that would make sense
17 for reservations, [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED] it was pushing the system beyond
23 what was a safe limit and so we had to
24 evaluate whether we could sustain the
25 additional load.

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2 Q. So if having too many line items
3 was a risk for Google, why would you
4 approve a greater line item for some
5 customers?

6 A. If publishers requested and they
7 felt they needed them, since we understood
8 that they were trying to have realtime
9 competition and [REDACTED]

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 Q. Would this be done for a specific
15 timeframe or would it just be a permanent
16 increase for the publisher?

17 A. [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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2 AdX, could a publisher request last look to
3 be turned off?

4 A. No, [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Q. Are you aware of universal
12 pricing rules?

13 A. I remember that there was some
14 discussion of universal pricing rules.

15 Q. What is your understanding of
16 what universal pricing rules are?

17 A. S [REDACTED]

18 [REDACTED]

19 [REDACTED] But some

20 of the discussions about universal pricing

21 rules is that given the unification of

22 AdManager and exchange, AdExchange and

23 especially as we were moving to a first

24 price, the different pricing rules for

25 different exchanges really didn't make any

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2 sense because if it was used as a way to
3 increase yield in a second price auction,
4 but once you're moving to a first price
5 auction there's really no reason to do
6 it -- and so I think universal pricing
7 rules were about streamlining that so that
8 there was one rule that applied to all of
9 the inventory that went into exchange
10 bidding, I believe, is where that was done.

11 Q. Would a publisher -- to the
12 extent that you know, could a publisher
13 turn off uniform pricing rules?

14 A. [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 the idea was to just change the way rules
18 work so that they were streamlined.

19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 Q. Were you involved in the
24 discussions of developing the uniform
25 pricing rules?

1 **READ/SIGN DEPOSITION OF:** [REDACTED]
2 **DATE OF DEPOSITION:** November 6, 2020
3 **IN THE MATTER OF:** Google 60-516110-0004

4 **DO NOT WRITE ON THE DEPOSITION ITSELF**

5 **Page Line Changes or corrections and reason**

6 3:12 The words "Erin Craig" should read
7 "Erin Craig, Esq."
8 3:13 The words "Aaron Comenetz, Esq." should
9 be added after "Erin Craig, Esq."
10 11:18 The words "Erica Trotman" should read
11 "Erika Trautman" (Transcription Error)
12 11:19 The word "Oga" should read "Aga"
13 (Transcription Error)
14 13:2 The words "Campuses University" should
15 read "campus of the university"
16 (Transcription Error)
17 14:12 The words "during the time that" should
18 read "during the time at IBM when"
19 (Transcription Error)
20 20:16 The word "it" should read "I"
21 (Transcription Error)
22 22:4 The word "A server" should read "ad
23 servers" (Transcription Error)
24 24:21 The word "sales" should read "sell"
(Transcription Error)

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4 **DO NOT WRITE ON THE DEPOSITION ITSELF**

5 **Page Line Changes or corrections and reason**

6 34:15 The word "spec" should be removed
7 (Transcription Error)

8 37:8 The word "RVPs" should read "our VPs"
9 (Transcription Error)

10 37:16 [REDACTED]
11 [REDACTED]

12 41:23 The word "DSP" should read "DSPs"
13 (Transcription Error)

14 45:10-11 The words "advertiser's side" should
15 read "advertiser-side" (Transcription
16 Error)

17 49:4 The words "impact of" should read
18 "impact on" (Transcription Error)

19 52:20 The words "in tend" should read
20 "intended" (Transcription Error)

21 54:4 The word "cause" should read "caused"
22 (Transcription Error)

23 54:25 The words "That is we" should read
24 "that we" (Transcription Error)

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5 **Page Line Changes or corrections and reason**

6 55:10 The word "DSP" should read "DSPs"
7 (Transcription Error)

8 55:15 The word "inclusion" should read "in
9 collusion" (Transcription Error)

10 55:24 The words "echo system" should read
11 "ecosystem" (Transcription Error)

12 56:16 The word "swath" should read
13 "cost" (Transcription Error)

14 61:9 [REDACTED]

15 [REDACTED]

16 61:13 [REDACTED]

17 [REDACTED]

18 63:23 The words "director the" should read
19 "the director" (Transcription Error)

20 64:19 The word "Benefited" should read
21 "benefit" (Transcription Error)

22 66:7 The word "Nande" should read "Nandy"
23 (Transcription Error)

24 66:20 The word "Nande" should read "Nandy"
(Transcription Error)

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5 **Page Line Changes or corrections and reason**

6	68:16	The words "Esar Lebowitz" should read
7		"Eisar Lipkovitz" (Transcription Error)
8	68:18	The word "Moray" should read "Muret"
9		(Transcription Error)
10	74:3	The words "Free Will" should read
11		"Freewheel" (Transcription Error)
12	74:5	The word "exchange" should read
13		"exchanges" (Transcription Error)
14	74:19	The words "supported developer
15		relations" should read "support or
16		developer relations" (Transcription
17		Error)
18	75:9	The word "roles" should read "rules"
19		(Transcription Error)
20	75:17	The word "deep" should read "keep"
21		(Transcription Error)
22	75:18	The word "my" should read "the"
23		(Transcription Error)
24	78:8	The word "integrate" should read
		"integrated" (Transcription Error)

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5 **Page Line Changes or corrections and reason**

6 78:18 The word "exchange" should read
7 "exchanges" (Transcription Error)
8 78:21 The word "There" should read "They"
9 (Transcription Error)
10 95:21 The word "AdAge" should read "average"
11 (Transcription Error)
12 98:25 The words "a header" should read "ahead
13 or" (Transcription Error)
14 105:23 The words "in correct" should read
15 "incorrect" (Transcription Error)
16 107:14 The word "associate" should read
17 "associated" (Transcription Error)
18 114:17 The word "exchange" should read
19 "exchanges" (Transcription Error)
20 114:19 The word "exchange" should read
21 "exchanges" (Transcription Error)
22 116:4 The word "exchange" should read
23 "exchanges" (Transcription Error)
24 116:8 The word "exchange" should read
"exchanges" (Transcription Error)

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5 **Page Line Changes or corrections and reason**

6	117:6	The word "ha" should read "had"
7		(Transcription Error)
8	117:10	The word "Whether" should read "When"
9		(Transcription Error)
10	117:15	The word "exchange" should read
11		"exchanges" (Transcription Error)
12	117:21	The word "exchange" should read
13		"exchanges" (Transcription Error)
14	117:23	The word "exchange" should read
15		"exchanges" (Transcription Error)
16	122:8	The words "ad serves" should read
17		"ad servers" (Transcription Error)
18	128:10	The words "that character ESL problems"
19		should be removed (Transcription Error)
20	128:14	The words "ad had" should read "Ad
21		Manager had" (Transcription Error)
22	129:10	The word "lowest" should read "highest"
23		(Transcription Error)
24	131:24	The word "shaking" should read "shaky"
		(Transcription Error)

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5 **Page Line Changes or corrections and reason**

6 144:10 The word "take" should read "takes"
7 (Transcription Error)
8 145:6 The words "changed to" should read
9 "change at" (Transcription Error)
10 145:19 The word "exchange" should read
11 "exchanges" (Transcription Error)
12 145:23 The word "create" should read "created"
13 (Transcription Error)
14 146:23 The words "if header bid something"
15 should read "if header bid comes"
16 (Transcription Error)
17 147:4 The word "re-present" should read
18 "prevent" (Transcription Error)
19 149:20-1 The words "header bid something when
20 the client calls out to server-side"
21 should read "header bidding is when the
22 client calls out to a server-side"
23 (Transcription Error)
24 149:22 The words "which in side" should read
"in turn the" (Transcription Error)

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5 **Page Line Changes or corrections and reason**

6 150:21 The words "still call" should read
7 "still the call" (Transcription Error)
8 150:22 The word "it" should read "to"
9 (Transcription Error)
10 152:12 The word "and" should read "were"
11 (Transcription Error)
12 153:25 The word "publisher's" should read
13 "publishers'" (Transcription Error)
14 156:13 The word "knowingly" should read
15 "unknowingly" (Transcription Error)
16 156:21 The word "attack" should read "a tag"
17 (Transcription Error)
18 157:24 The word "safely" should read "safe"
19 (Transcription Error)
20 158:18 The word "DB360" should read "DV360"
21 (Transcription Error)
22 159:20 The words "safety with" should read
23 "safety, with" (Transcription Error)
24 160:13 The word "pause" should read "cause"
(Transcription Error)

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5 **Page Line Changes or corrections and reason**

6 162:5 The words "weak and" should read "we
7 "would" (Transcription Error)
8 162:17 The words "First Look" should read
9 "first look" (Transcription Error)
10 163:13 The word "choose" should read "chooses"
11 (Transcription Error)
12 163:14 The word "which" should read "or"
13 (Transcription Error)
14 166:8 The word "exchange" should read
15 "exchanges" (Transcription Error)
16 166:12 The word "I" should read "it"
17 (Transcription Error)
18 167:20 The word "remembering" should read
19 "referring" (Transcription Error)
20 167:23 The word "option" should read
21 "auction" (Transcription Error)
22 168:3 The word "HSSP" should read "each
23 SSP" (Transcription Error)
24 170:24 The words "before first" should read
"became first" (Transcription Error)

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5 **Page Line Changes or corrections and reason**

6 173:5 The word "Berliate" should read

7 "Berliat" (Transcription Error)

8 173:8 The word "Berliate" should read

9 "Berliat" (Transcription Error)

10 178:24 The word "tracing" should read

11 "training" (Transcription Error)

12 180:3 The word "Berliate" should read

13 "Berliat's" (Transcription Error)

14 180:5-6 The words "V. Berliate and the A sign"

15 should read "cberliat and the at sign"

16 (Transcription Error)

17 180:15 The words "L dat" should read "LDAP"

18 (Transcription Error)

19 181:21 The words "publisher website adserver

20 adexchange" should read "publisher,

21 website, ad server, ad exchange"

22 (Transcription Error)

23 183:11 The words "ad manager" should read

24 "Ad Manager" (Transcription Error)

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6 183:13 The word "is" should read "a"

7 (Transcription Error)

8 185:21 The word "Chris" should read "Kris"

9 (Transcription Error)

10 192:4 The word "DSP" should read "DSPs"

11 (Transcription Error)

12 192:23 The word "serve" should read "server"

13 (Transcription Error)

14 194:18 The word "add" should read "ad"

15 (Transcription Error)

16 194:19 The word "add" should read "ad"

17 (Transcription Error)

18 195:21 The word "add" should read "ad"

19 (Transcription Error)

20 204:14 The word "it" should be removed

21 (Transcription Error)

22 206:16 The word "ones" should read "one"

23 (Transcription Error)

24 206:17 The words "their's of" should read

"theirs for" (Transcription Error)

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5 **Page Line Changes or corrections and reason**

6 210:24 The word "tab" should read "tag"
7 (Transcription Error)

8 216:2 The words "add defendant's exhibit"
9 should read "had ad exchange"
10 (Transcription Error)

11 216:18 The words "enter made year" should read
12 "intermediary" (Transcription Error)

13 217:15 The word "command" should read
14 "inventory" (Transcription Error)

15 221:5 The word "are" should be removed
16 (Transcription Error)

17 221:7 The word "another" should read "other"
18 (Transcription Error)

19 221:20 The word "this" should read "that"
20 (Transcription Error)

21 223:10-1 The words "was and" should read "built
22 and" (Transcription Error)

23 226:10 The word "had" should be removed
24 (Transcription Error)

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6 230:7 The word "auctioning" should read
7 "auction" (Transcription Error)
8 230:8-9 The words "in the" should read "not"
9 (Transcription Error)
10 232:22 The word "what" should read "would"
11 (Transcription Error)
12 234:3 The words "for price" should read
13 "floor price" (Transcription Error)
14 237:23 The word "industry" should read "the
15 industry" (Transcription Error)
16 238:19 The words "Adx change" should read
17 "Ad Exchange" (Transcription Error)
18 238:23 The word "tanned" should read "and"
19 (Transcription Error)
20 240:7 The word "in." should read "in?"
21 (Transcription Error)
22 241:4 The word "mean." should read "mean?"
23 (Transcription Error)
24 242:5 The word "read" should read "red"
(Transcription Error)

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6 244:2 The word "at" should be removed

7 (Transcription Error)

8 256:14 The word "And" should read "In"

9 (Transcription Error)

10 257:6 The words "have done" should read

11 "have been done" (Transcription Error)

12 258:12 The word "isn't" should read "it is"

13 (Transcription Error)

14 260:20 The word "the" should read "that"

15 (Transcription Error)

16 262:18 The word "numb" should be removed

17 (Transcription Error)

18 264:22 The word "valuation" should be

19 "evaluation" (Transcription Error)

20 265:6 The words "investigation, but it was a

21 point in time" should read "version, or

22 it was a point in time" (Transcription

23 Error)

24

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6 279:6 The word "Lupser" should read "Loubser"
7 (Transcription Error)

8 284:10 The word "break" should read "product"
9 (Transcription Error)

10 Throughout The word "AdServer" should read "ad
11 server" (Transcription Error)

12 Throughout The word "AdExchange" should read "Ad
13 Exchange" (Transcription Error)

14 Throughout The word "AdManager" should read "Ad
15 Manager" (Transcription Error)

16
17
18
19
20
21 I have inspected and read my deposition and
22 have listed all changes and corrections above,
23 along with my reason therefor.

24 DATE: 12/16/20 SIGNATURE: [REDACTED]